

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

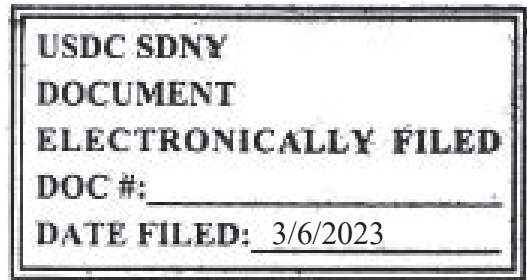
ABORETUM SILVERLEAF INCOME FUND  
LP and ACF CREDIT PROGRAM LLC,

Plaintiffs,

-v.-

JEFF KATOFSKY and ERNEST BARRECA as  
trustee of the SKG Family Trust, and THE  
SKKG FAMILY TRUST.

Defendants.



23 Civ. 1144 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

WHEREAS, on February 9, 2023, Defendant Jeff Katofsky removed this action from the Supreme Court of the State of New York, New York County, ECF No. 1.

WHEREAS, counsel for Plaintiffs have not yet appeared in the federal case.

WHEREAS, Fed R. Civ. P. 5(b)(2)(E) permits service via “the court’s electronic-filing system” only upon “registered user[s].”

WHEREAS, Katofsky has nevertheless repeatedly purported to serve Plaintiffs via ECF notification, ECF Nos. 4 at 3, 8 at 7, and 8-1 at 3.


WHEREAS, 28 U.S.C. § 1446(d) requires a removing defendant, “[p]romptly after the filing of such notice of removal,” to “give written notice thereof to all adverse parties” and to “file a copy of the notice with the clerk of such State court.”

WHEREAS, Katofsky has, at minimum, not “file[d] a copy of the notice” of removal “with the clerk of such State court,” *see Arboretum Silverleaf Income Fund LP v. Katofsky*, Index No. 654499/2022.

IT IS HEREBY ORDERED that, by 5 P.M. ET on March 7, 2023, Katofsky shall properly serve on Plaintiffs the Notice of Removal, ECF No. 1; Motion to Dismiss and accompanying memorandum of law, ECF Nos. 4 and 5; the Court's Order to Show Cause, ECF No. 7; and Katofsky's response, ECF No. 8. Katofsky shall file proof of such service on the docket.

SO ORDERED.

Dated: March 6, 2023  
New York, New York

  
JENNIFER H. REARDEN  
United States District Judge